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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,605	03/04/2002	Randy Britton	020375-005800US	7661
20350 7590 02/06/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
NGUYEN, NGA B				
ART UNIT		PAPER NUMBER		
3692				
MAIL DATE		DELIVERY MODE		
02/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/091,605

Applicant(s)

BRITTON ET AL.

Examiner

NGA B. NGUYEN

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is the answer to the Election filed on August 31, 2006, which paper has been placed of record in the file.
2. Claims 19-35 are pending in this application. Claims 1-18 has been canceled.

Response to Arguments/Amendment

3. Applicant's election of Group II (claims 19-35) in the reply filed on August 31, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Non-elected claims 1-18 has been canceled.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Buchanan et al (hereinafter Buchanan), U.S. Patent No. 5,950,179, in view of Lent et al (hereinafter Lent), U.S. Patent No. 6,324,524.

Regarding to claim 19, Buchanan discloses a method for managing newly opened credit accounts, comprising:

approving and opening a new credit account (column 3, lines 25-30, the account is approved and an advanced credit card is printed and issued to the new customer);
and

upon opening the new credit account, applying a set of restrictions to the new credit account, the set of restrictions being designed to focus on a transaction incurred with the new credit account and minimize fraudulent activities until the credit account is fully established (column 3, lines 30-67, the advanced credit account required the customer to make secured deposit into customer's saving account for sufficient period of time in order to make the advanced credit account fulfilled).

Wallace does not disclose approving and opening a new credit account in real-time. However, Lent discloses approving and opening in real-time (column 6, lines 10-15). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Buchanan's to incorporate the feature taught by Lent's above for the purpose of providing time consuming for the consumer when requesting a new credit account because the approval is done in real-time.

Regarding to claim 20, Buchanan further discloses executing a batch process at a designated time in a processing cycle to fully establish the new credit account (column 5, line 60-column 6, line 5).

Regarding to claim 21, Buchanan further discloses upon fully establishing the new credit account, enabling a fraud monitoring and prevention system to take over

detecting the fraudulent activities in connection with the new credit account (column 6, lines 25-60).

Regarding to claim 22, Buchanan further discloses if a restriction within the set of restrictions is violated, denying an authorization to use the new credit account (column 6, lines 62-67).

Regarding to claim 23, Buchanan further discloses wherein the set of restrictions is provided by an issuer of the new credit account (column 3, lines 1-5).

Regarding to claim 24, wherein the set of restrictions includes a limit on allowable transaction amount for each individual transaction incurred in connection with the new credit account (column 6, lines 62-67)

Regarding to claims 25-26, Buchanan does not disclose the allowable transaction amount is limited to a percentage of available credit assigned for the new credit account and wherein the set of restrictions includes a limit on type of transaction that is allowable under the new credit account. However, the allowable transaction amount is limited to a percentage of available credit assigned for the new credit account and wherein the set of restrictions includes a limit on type of transaction that is allowable under the new credit account are well known in the art of processing and tracking a credit card account. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Buchanan's to incorporate the well-known features above for the purpose of eliminating the risk for approving a credit card account.

Claims 27 -35 contain similar limitations found in claims 19-26 above, therefore, are rejected by the same rationale.

Conclusion

6. Claims **19-35** are rejected.
7. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure:

Wallace et al. (US 6,986,317) disclose a method for opening an on-line brokerage account includes the steps of opening an on-line brokerage account for a user based on account information received from the user, the on-line brokerage account having one or more restrictions, generating an application based on the account information; requesting that the user submit required information with the application within a predetermined time to remove the one or more restrictions from the on-line brokerage account, and removing said one or more restrictions from the on-line brokerage account when the application including the required information is received within the predetermined time.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-6796 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nga B. Nguyen/

Primary Examiner, Art Unit 3692

January 28, 2008